

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
PENNSYLVANIA

KENNETH FERENCE,)	CIVIL ACTION NO. 2:22-cv-797
)	
)	
Plaintiff,)	
)	
v.)	
)	
ROMAN CATHOLIC DIOCESE)	
OF GREENSBURG,)	
)	
Defendant.)	

COMPLAINT

I. PRELIMINARY STATEMENT

By this action, Plaintiff, Kenneth FERENCE, seeks lost wages and benefits, compensatory and punitive damages, costs, and attorney's fees because Defendant, Roman Catholic Diocese of Greensburg, terminated his employment due to his sexual orientation, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

II. JURISDICTION

1. This Court has jurisdiction of this matter by virtue of 28 U.S.C. § 1331, in that this is a civil action wherein the matter in controversy arises under the laws of the United States.

2. Venue is proper in this judicial district under 28 U.S.C. § 1391(b), in that this is a civil action in which jurisdiction is not founded solely on diversity of citizenship, and the acts constituting a substantial part of the events and omissions giving rise to the claims occurred in the Western District of Pennsylvania.

3. On November 15, 2021, Plaintiff filed a Charge of Discrimination with the EEOC against the Defendant. On May 20, 2022, the EEOC issued a Notice of Right to Sue to Plaintiff.¹

III. PARTIES

4. Mr. Ference is an adult individual who resides at 1400 Bailey Farm Road, Greensburg, PA 15601. At the time of the incident complained of in this lawsuit and presently, he was and is a citizen of the Commonwealth of Pennsylvania and the United States of America.

5. Roman Catholic Diocese of Greensburg is a Catholic diocese that has jurisdiction over Armstrong, Fayette, Indiana, and Westmoreland counties. Its headquarters are located at 723 East Pittsburgh Street, Greensburg, PA 15601.

IV. STATEMENT OF CLAIM

6. Mr. Ference began working at Defendant's Aquinas Academy ("Aquinas") as a sixth-grade teacher on August 23, 2021.

7. As part of the new-hire orientation, Ms. Ference had to complete several standard employment forms.

8. He completed most of them on August 25, 2021, during a meeting with Maria Cochenour, Aquinas's Business Manager.

9. Ms. Cochenour indicated that he would receive the medical insurance election forms in an email from Defendant's main office.

10. Unbeknownst to Mr. Ference, Defendant sent those forms to his Aquinas email address, which he did not have access to until September 2, 2021.

¹ Once the administrative requirements have been exhausted, Plaintiff intends to amend this Complaint to include one additional count under the PHRA.

11. Once Mr. Ference had access to his email, he completed an election to waive group medical insurance on September 2nd, indicating that he is covered under his husband's medical insurance.

12. Also, as part of his orientation, Mr. Ference completed Virtus training, which included a program called Protecting God's Children.

13. Those trainings concerned the prevention of child sexual abuse.

14. As a sixth-grade teacher, Mr. Ference reported to Kelly Watkins, Principal of Aquinas Academy.

15. Because Mr. Ference is Lutheran, Ms. Watkins said that Defendant prohibited him from providing religious education to its students.

16. According to Ms. Watkins, Mr. Ference's job responsibilities were to be entirely secular, with all matters of religious education and rituals for the sixth-grade students to be handled by Jennifer Davis, Aquinas's other six-grade teacher.

17. Ms. Watkins also asked Mr. Ference if he would be comfortable chaperoning the students to church services.

18. Mr. Ference agreed, with the understanding that he would be at the services only to monitor the students' behavior.

19. Ms. Watkins accepted that arrangement, and Ms. Davis took the lead at church services with any rituals and religious materials.

20. As part of a standard school day, Aquinas started and ended with prayers.

21. Ms. Cochenour led the students in prayer over Aquinas's PA system.

22. Mr. Ference had no role in facilitating these prayers.

23. As per Watkins's instructions, Mr. Ference taught secular subjects to his students for the duration of his employment with Aquinas.

24. Ms. Davis handled all religious matters for the sixth-grade students.

25. On September 28, 2021, Dr. Maureen Marsteller, Defendant's Superintendent of Catholic Schools, informed Mr. Ference that Defendant terminated his employment because he is in a same-sex relationship.

26. Defendant learned of that fact from Mr. Ference's disclosure on his election to waive group medical insurance.

27. As a result of Defendant's conduct, Plaintiff has suffered substantial mental anguish, emotional distress, and economic damages.

V. CLAIMS FOR RELIEF

COUNT I – VIOLATION OF TITLE VII – TERMINATION

28. Plaintiff incorporates by reference the averments contained in all preceding paragraphs as if fully set forth herein.

29. Defendant has intentionally and willfully engaged in a series of unlawful acts in discriminating against Plaintiff with respect to compensation, terms, conditions, or privileges of employment in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*

30. Defendant's decision to terminate Plaintiff was induced by its intent to discriminate against Plaintiff based on his sexual orientation.

31. Plaintiff has been directly harmed as a result of Defendant's violations as is fully set forth above.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that this Honorable Court will:

- (a) Assume jurisdiction herein;
- (b) Declare Defendant's conduct to be unlawful and an intentional violation of Plaintiff's rights;
- (c) Award Plaintiff wage loss damages, including back pay, front pay, and lost future earnings, damages associated with the increased tax burden of any award, and lost fringe and other benefits of employment;
- (d) Award Plaintiff compensatory and punitive damages;
- (e) Award Plaintiff pre- and post-judgment interest;
- (f) Award Plaintiff costs and attorney's fees; and
- (g) Grant such other relief as the Court deems just and appropriate.

JURY TRIAL DEMANDED

Respectfully Submitted,

/s/ Nicholas W. Kennedy
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